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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

VINCENT HALL,

Defendant and Appellant.

B290989

(Los Angeles County
Super. Ct. No. TA145380)

APPEAL from a judgment of the Superior Court of Los Angeles County, Clay H. Jacke, II, Judge. Affirmed.

Kiran Prasad, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

INTRODUCTION

Appellant Vincent Hall was convicted of misdemeanor simple assault (Pen. Code, § 240)¹ and misdemeanor vandalism (§ 594, subd. (a)) and given three years probation. Following review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we affirm.

PROCEDURAL BACKGROUND

An information charged Hall with assault with a deadly weapon (§ 245, subd. (a)) and felony vandalism over \$400 in damage (§ 594, subd. (a)).² The information further alleged he sustained one prior strike (§§ 667, subd. (d), 1170.12, subd. (b)).

The jury found Hall not guilty of assault with a deadly weapon, but found him guilty of the lesser included offense of simple assault (§ 240) and of vandalism (§ 594, subd. (a)). Hall admitted the prior strike conviction, and the court suspended imposition of sentence and placed him on three years probation.

Hall filed a timely notice of appeal, and we appointed counsel to represent him. On January 7, 2019, appellate counsel filed a brief raising no issues and asking us to review the record independently. (*People v. Wende, supra*, 25 Cal.3d 436.) Hall did not respond to our letter advising him of his right to file supplemental briefing.

FACTUAL BACKGROUND

In October 2017, Hall began subletting a room in an apartment that was being rented by Maria Robles. Julio and

¹ All undesignated statutory references are to the Penal Code.

² At trial the vandalism charge was reduced to a misdemeanor.

Margarita Ingles owned the apartment.³ The Ingleses received complaints that Hall was playing his music too loudly, and in early January 2018, Margarita asked Robles to evict Hall.

Soon after, a fire severely damaged the apartment rendering it uninhabitable. Some of Hall's belongings survived the fire. After the fire, he moved in with his girlfriend, but he continued to store items in the charred apartment and would check on them periodically.

On February 12, 2018, Hall visited the apartment and asked Julio for help finding a storage place. The conversation became heated and Hall told Julio he would return later that day to discuss the storage of his items. Margarita called the police, but they arrived after Hall had left.

The Ingleses entered the apartment to make repairs, board up the windows, and remove Hall's items. When Hall returned, his items were no longer in the apartment. Hall reacted aggressively, as if he wanted to fight someone, and pried a wooden plank off the window. He also took tools Julio was using to repair the apartment and threw them down the stairs.⁴

Margarita called 911 from the next room, and Hall told her he was going to hit her. Julio testified Hall approached him with a hammer and slowly swung it at him but never made contact. When the police arrived, the Ingleses' son Samson said he was in the room with his father and saw Hall swing the hammer at him.

Hall testified at trial. He admitted damaging Julio's tools but denied ever wielding a hammer.

³ For clarity, we refer to Julio and Margarita by their first names.

⁴ This act gave rise to the vandalism charge and conviction.

DISCUSSION

We have examined the entire record, and are satisfied no arguable issues exist in the appeal before us. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Wende, supra*, 25 Cal.3d at p. 443.)

DISPOSITION

The judgment is affirmed.

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CURREY, J.

WE CONCUR:

MANELLA, P. J.

WILLHITE, J.